IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7177 of 2007

DATED 23-8-2007

BETWEEN

Madhavarapu Veeraswamy and another

.. Petitioner

And

The Joint Collector,
West Godavari District at Eluru and others.

.. Respondents

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7177 of 2007

Oral Order:

The two petitioners are residents of Pedanindrakilamu Village of Nidamarru Mandal, West Godavari District. They claim to be landless poor persons. Considering their applications, the third respondent assigned agricultural land admeasuring 88 cents each by way of D-Form Pattas granted on 27.4.1988. The petitioners took possession of the same, obtained pattadar passbooks and are eking out livelihood by cultivating the same. The third respondent issued a show cause notice to the petitioners as to why the assignment should not be cancelled. The petitioners submitted explanation on 9.11.2005. Thereafter, the second respondent passed impugned order dated 12.12.2005 cancelling the patta. Aggrieved by the same, the petitioners submitted a representation to the first respondent on 6.1.2006. As no orders are passed, they straight away filed the writ

petition challenging the impugned order.

Though there is a delay in approaching this Court and though the representation made by the petitioners is pending before the first respondent, this court is inclined to entertain the writ petition only on the ground of jurisdiction. Under Board Standing Order 15, the Revenue Divisional Officer is an appellate authority against any grant of patta or cancellation of patta. He is neither the assigning authority nor the canceling authority. As rightly pointed out by the learned Assistant Government Pleader, if there is any irregularity in the grant of patta or such grant of patta is vitiated by fraud and misrepresentation, it is always permissible for the Joint Collector under Board Standing Order 15 (18) to suo motu or on an application, cancel such irregular patta. The patta granted to the petitioners in 1988 is cancelled on the ground that it is irregular and that they are not landless poor persons and that they were landlords. If that be so, the first respondent ought to have initiated action. On this ground alone, the impugned order is set aside. Liberty is given to the first respondent to initiate appropriate action against the petitioners for cancellation of the patta, if so advised.

The writ petition is accordingly disposed of.

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V.V.S.RAO,J

Dated 23.8.2007
msv